

Appln No. 10/679,814
Amdt date January 28, 2008
Reply to Office action of July 27, 2007

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office action mailed July 27, 2007. Claims 1-24 are pending in the application. Claims 1, 3, 6, 8, 11-14, 16-17, and 21-24 have been amended and claims 25-31 are cancelled without prejudice.

On page 2 of the Office action, the abstract of the disclosure is objected to because the Examiner states that the word "provides" in line 21 appears to be extraneous and "coverts" in line 21 should be "converts." The abstract has been corrected to overcome the rejection.

In addition, the disclosure is objected to in view of several informalities. The specification has been amended to overcome the informality objections.

On pages 2-3 of the Office action, claims 1-2, 6-7, 10-13, 15-17 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular the Examiner suggests that the term "the modules" be changed to "the elongated photovoltaic modules." Applicant has deleted the term "elongated" as unnecessary, but has otherwise amended the claims as suggested by the Examiner. Applicant respectfully requests that the rejection under 35 U.S.C. 112, second paragraph be withdrawn.

On pages 3-5 of the Office action, claims 1, 6-7, 10-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Heckerorth. It also appears that the Examiner intended to reject claim 23 as anticipated by Heckerorth (see page 5). The remaining claims have been rejected under 35 U.S.C. section 103(a) as being unpatentable over Heckerorth by itself and/or in combination with various other references.

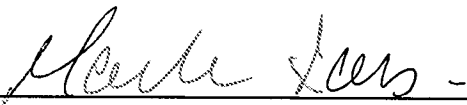
Claims 1, 17, and 23 have been amended to recite that the photovoltaic modules are attached to the top surface of the flexible membrane "to form an integrated unit for attachment to the roofing surface." Heckerorth does not teach or suggest this feature. Heckerorth describes a field installation wherein a sheet of membrane material 24 is disposed atop a roof deck 22 and then the photovoltaic roofing strips 10a and 10b are disposed atop the membrane material 24. See col. 5, lines 36-48. In view of the above, applicant respectfully submits that Heckerorth does not anticipate claims 1, 17 and 23.

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The remaining claims depend from one of claims 1, 17 and 23. Since the remaining claims depend from one of claims 1, 17 and 23 and because they contain additional limitations further distinguishing these claims from the prior art when considered as a whole, these claims are also believed to be patentable.

In view of the above, applicant respectfully requests reconsideration of the application and the allowance of claims 1-24.

Respectfully submitted,
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